

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 35828 of 2007(M)

PETITIONERS:

- 1. K.N.SATHYAPALAN,KONTHAMPARAMBIL,
KAINADI P.O., ALAPPUZHA,NOW WORKING AS
ATTENDER GRADE II, MEDICAL COLLEGE, ALLEPPEY.**
- 2. O.AZEEZ, VRIKSHAVILASOM,
VANDANAM P.O., ALAPPUZHA
NOW WORKING AS ATTENDER GRADE II,
MEDICAL COLLEGE, ALLEPPEY.**

**BY ADVS. SRI.P.SANJAY
SRI.A.PARVATHI MENON**

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY SECRETARY
HEALTH AND FAMILY WELFARE DEPARTMENT
SECRETARIAT, TRIVANDRUM.**
- 2. DIRECTOR OF MEDICAL EDUCATION
TRIVANDRUM.**
- 3. DISTRICT MEDICAL OFFICER,
ALAPPUZHA.**
- 4. THE PRINCIPAL, T.D. MEDICAL COLLEGE
ALAPPUZHA.**

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

V.GIRI, J.

W.P.(C).No.35828 of 2007

Dated this the 4th day of December, 2007.

JUDGMENT

Petitioners are working as Attendants Grade II. According to them, they are eligible for promotion to the post of Attendants Grade I and Nursing Assistants. They contend that the posts Attendants Grade I and Nursing Assistants are lying vacant in the Alappuzha Medical College and are to be filled up from among Attendants Grade II. Learned counsel for the petitioners refers to Ext.P1 order to contend for the position that though temporary appointments to the aforementioned posts can be effected, it cannot be done as against vacancies which can be filled up only by promotion. Petitioners claim that they be considered for promotion to the post of Hospital Attendants Grade I and Nursing Assistants. They have filed Exts.P2 and P3 representations, which are pending before the 4th respondent.

2. In my view, the said claim is to be considered by the Director of Medical Education.

3. After having heard the learned counsel for the petitioners and the learned Government Pleader, the writ

petition is disposed of directing the 4th respondent to forward Exts.P2 and P3 to the Director of Medical Education, the 2nd respondent, within four weeks from the date of receipt of a copy of this judgment. Thereupon, the 2nd respondent shall, after due notice to the petitioners, take a decision thereon within two months thereafter. It is made clear that the 4th respondent, while effecting any temporary appointments to the post of Nursing Assistants or Hospital Attendants Grade I, shall do so only in conformity with Ext.P1 and not in derogation of the same.

Petitioner shall produce a copy of this judgment before the 4th respondent for compliance.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge